

STATE OF INDIANA)
) SS:
COUNTY OF CASS)

IN THE CASS CIRCUIT COURT

2009 TERM

MICHAEL TATLOCK)
Plaintiff)

CAUSE NO. 09C01-0901-CC-00006

vs)

GENE ISSACS)
Defendant)

FILED
IN CASS CIRCUIT COURT

SEP 11 2009

ORDER DISMISSING COMPLAINT

Beth Liming
CLERK OF THE CASS CIRCUIT COURT

The court, pursuant to the provisions of I.C.34-58-1 et. seq., now finds and orders as follows:

1. On January 23, 2009 Michael Tatlock filed a complaint for damages naming the sheriff of Cass County, jail commanders, the jail nurse and a medical doctor as defendants, together with a Motion for Leave to Proceed in Forma Pauperis, Request for Issuance of Subpoenas and other purported pleadings.
2. On February 9, 2009 the court ordered Mr. Tatlock to comply with the provisions of I.C. 33-37-3-2 and I.C. 33-37-3-3.
3. On March 30, 2009 the court entered an order granting Mr. Tatlock's Motion to Waive Filing Fee.
4. On July 14, 2009, the plaintiff filed his Motion of Readiness for Trial.
5. By order dated July 24, 2009 the court advised the Plaintiff that the court would conduct a review of the case pursuant to I.C. 34-58-1-2.
6. The plaintiff has failed to comply with Trial Rule 4(B) and therefore, the court has not acquired jurisdiction pursuant to Trial Rule 4(A).
7. Prior to filing the complaint, the plaintiff failed to comply with the provisions of I.C. 34-13-3 et. seq. (Tort Claims Act) which is necessary because the named defendants are Governmental Entities and Public Employees.

8. The complaint alleges medical malpractice against two of the defendants and there is no allegation or evidence indicating that the plaintiff has complied with the provisions of I.C. 34-18-2 et. seq. (Medical Malpractice Act).
9. The complaint is barred by the Statute of Limitations because it was not filed within two years of the injury alleged.
10. There are no remaining claims in the complaint that may proceed.
11. This cause of action is hereby dismissed.

ALL OF WHICH IS SO ORDERED this 11th day of September, 2009.



LEO T. BURNS, JUDGE
CASS CIRCUIT COURT

cc:

Michael Tatlock

John R. Hillis

Gene Isaacs, Sheriff of Cass County

Department of Corrections

Indiana Attorney General